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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/037,559

01/04/2002

Bernhard P. Weisshaar

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12/16/2004

MOTOROLA, INC.

Corporate Law Department - #56-238

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EXAMINER

GANTT, ALAN T

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/037,559

Applicant(s)

WEISSHAAR ET AL.

Examiner

Alan T. Gantt

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2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15, 18 and 20-29 is/are rejected.
- 7) ☒ Claim(s) 13, 14, 16, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durian et al.

Regarding claim 1, Durian discloses a method and apparatus for controlling data transmission involving a wireless telephone for providing a wireless communication channel to devices or applications located in a vehicle through any device capable of wireless communications and thus, includes a method of optimizing the transmission of data in a wireless communication network, said method comprising the steps of:

transmitting a first block of data on said first communication interface for a second period of time which is less than said first period of time; (Figure 12, paragraphs 0117 and 0119 – the interface is open for its primary use) and

transmitting a second block of data associated with a second application on said first communication interface for at least a portion of said first period of time remaining after said second period of time. (Figure 12 paragraphs 0119 – more than one application is allowed to utilize this interface. The interface is

open for the primary use of the interface related to the wireless phone and the other applications may utilize the connection before it is closed.)

Durian does not explicitly state that the first interface is acquired for an application for a first period of time.

The examiner takes Official Notice that it is well known to utilize a communication interface for its primary use with a wireless communications network for a block of time and that it would have been obvious to modify Durian to include acquiring the channel for its primary use for a period of time to make normal wireless calls.

Regarding claims 2 and 3, the examiner takes Official Notice that it is well known to incur a predetermined cost for use of a block of time with wireless communication systems and that it would have been obvious to modify Durian to disclose that a cost is incurred from the wireless carrier in order for the user to assess the economics of utilizing the wireless telephone for various vehicular functions.

Regarding claim 21, Durian discloses a method and apparatus for controlling data transmission involving a wireless telephone for providing a wireless communication channel to devices or applications located in a vehicle through any device capable of wireless communications and thus, includes a method of optimizing the transmission of data in a wireless communication network, said method comprising the steps of:

transmitting a first block of data associated with a first application on said first communication interface for a second period of time which is less than said first period of time; and

transmitting a second block of data associated with a second application for at least a portion of said first period of time remaining after said second period of time at a second cost which is lower than a first cost of transmitting said first block of data.

Durian does not explicitly state that the first interface is acquired for an application for a first period of time.

The examiner takes Official Notice that it is well known to utilize a communication interface for its primary use with a wireless communications network for a block of time and that it would have been obvious to modify Durian to include acquiring the channel for its primary use for a period of time to make normal wireless calls.

Regarding claims 22 and 23, the examiner takes Official Notice that it is well known to incur a predetermined cost for use of a block of time with wireless communication systems and that it would have been obvious to modify Durian to disclose that a cost is incurred from the wireless carrier in order for the user to assess the economics of utilizing the wireless telephone for various vehicular functions.

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3. Claims 4-12, 15, 18, 20, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durian et al., in view of Eitzenberger.

Regarding claim 4, Durian discloses a method of optimizing the transmission of data in a wireless communication network as stated above for claim 1. Durian is silent regarding a step of determining if said second application has said second block of data to be transmitted.

Eitzenberger discloses a vehicle system and method that includes a central computer for performing data networking applications and one or more data transmission channels with associated interfaces through which individual devices can be connected with a central vehicle computer. Eitzenberger suggests the step of determining if a second application has a second block of data to be transmitted (col. 2, lines 30-52)

Durian and Eitzenberger are combinable because they share a common endeavor, namely, vehicle computer systems. At the time of the applicant's invention it would have been obvious to modify Durian to include a system to allow centralized control of the various interfaces as done by Eitzenberger to better manage the application communication.

Regarding claim 5, Eitzenberger suggests the limitation - The method of claim 1 further comprising a step of determining whether said first communication interface is acceptable for said second application. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 6, Eitzenberger suggests the limitation - The method of claim 1 further comprising a step of determining whether said second block of data is transmitted at a second rate which is less than said first rate. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 7, Eitzenberger suggests the limitation - The method of claim 1 further comprising a step of transmitting a remaining portion of said second block of data on a second communication interface. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 8, the examiner takes Official Notice that it is well known to incur a predetermined cost for use of a block of time with wireless communication systems and that it would have been obvious to modify Durian / Eitzenberger to disclose that if a second interface is utilized that is the normal interface for that function, a cost is incurred that is the included in the cost of the normal telematics service in order for the user to assess the economics for various vehicular function reporting scenarios.

Regarding claim 9, Eitzenberger suggests the limitation - The method of claim 1 wherein said steps of transmitting said first and second blocks of data comprise sending data from a telematics communication unit of a vehicle. (col. 7, lines 33-47)

Regarding claim 10, Durian discloses a method and apparatus for controlling data transmission involving a wireless telephone for providing a wireless communication channel to devices or applications located in a vehicle through any device capable of wireless communications and thus, includes a method of optimizing the transmission of data in a wireless communication network, said method comprising the steps of:

acquiring a first communication interface of a plurality of communication interfaces to transmit data associated with a first application from a telematics communication unit of a vehicle for a first period of time; (paragraphs 0117 and 0119 – also, the examiner takes Official Notice that it is well known to utilize a communication interface for its primary use with a wireless communications network for a block of time and that it would have been obvious to modify Durian to include acquiring the channel for its primary use for a period of time to make normal wireless calls.

transmitting a first block of data associated with said first application on said first communication interface for a second period of time which is less than said first period of time; (Figure 12, paragraphs 0117 and 0119 – the interface is open for its primary use)

Durian is silent regarding a step of determining if said second application has said second block of data to be transmitted.

Eitzenberger discloses a vehicle system and method that includes a central computer for performing data networking applications and one or more data transmission channels with

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associated interfaces through which individual devices can be connected with a central vehicle computer. Eitzenberger suggests the following limitations:

determining whether a second block of data associated with a second application is available to be transferred; and (col. 2, lines 30-52)

transmitting at least a portion of said second block of data associated with said second application on said first communication interface for at least a portion of said first period of time remaining after said second period of time. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Durian and Eitzenberger are combinable because they share a common endeavor, namely, vehicle computer systems. At the time of the applicant's invention it would have been obvious to modify Durian to include a system to allow centralized control of the various interfaces as done by Eitzenberger to better manage the application communication.

Regarding claim 11, Durian discloses a method and apparatus for controlling data transmission involving a wireless telephone for providing a wireless communication channel to devices or applications located in a vehicle through any device capable of wireless communications and thus, includes a method of transmitting data, said method comprising the steps of:

transmitting a first block of data associated with a first application on a first communication interface for a first period of time which is less than a predetermined

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period of time to transmit data on said first communication interface; (Figure 12, paragraphs 0117 and 0119 – the interface is open for its primary use)

Durian is silent regarding a step of determining if said second application has said second block of data of a second application to be transmitted on a first communication interface.

Eitzenberger discloses a vehicle system and method that includes a central computer for performing data networking applications and one or more data transmission channels with associated interfaces through which individual devices can be connected with a central vehicle computer. Eitzenberger suggests the following limitations:

determining if a second block of data associated with a second application is available to be transmitted on said first communication interface; (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this) and

transmitting at least a portion of said second block of data on said first communication interface for at least a portion of said predetermined time to transmit data on said first communication interface. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Durian and Eitzenberger are combinable because they share a common endeavor, namely, vehicle computer systems. At the time of the applicant's invention it would have been obvious to modify Durian to include a system to allow centralized control of the various interfaces as done by Eitzenberger to better manage the application communication.

Regarding claim 12, Eitzenberger suggests this limitation - The method of claim 11 further comprising a step of acquiring said first communication interface for said predetermined period of time. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 15, Eitzenberger suggests this limitation - The method of claim 11 further comprising a step of determining whether said first communication interface is acceptable for the transmission of said second block of data associated with said second application. (col. 7, lines 48 to col. 8, line 4 the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 18, Eitzenberger suggests this limitation - The method of claim 11 further comprising a step of transmitting a remaining portion of said second block of data on a second communication interface. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 20, Eitzenberger suggests this limitation - The method of claim 11 wherein said steps of transmitting said first block of data and second block of data comprise sending data from a telematics communication unit of a vehicle. (col. 7, lines 33-47)

Regarding claim 24, Eitzenberger suggests this limitation - The method of claim 21 further comprising a step of determining if said second application has said second block of data to be transmitted. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 25, Eitzenberger suggests this limitation - 25. The method of claim 21 further comprising a step of determining whether said first communication interface is acceptable for transmitting data associated with said second application. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 26, Eitzenberger suggests this limitation - The method of claim 21 further comprising a step of determining whether said second block of data is transmitted at said second cost which is less than said first cost.

Regarding claim 27, Eitzenberger suggests this limitation - The method of claim 21 further comprising a step of transmitting a remaining portion of said second block of data on a second communication interface. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 28, Eitzenberger suggests this limitation - The method of claim 21 wherein said step of transmitting a remaining portion of said second block of data on a second communication interface comprises sending data at said second cost. (col. 7, lines 48 to col. 8, line 4 – the adaptive application control feature suggests the flexibility to handle this)

Regarding claim 29, Eitzenberger suggests this limitation - The method of claim 21 wherein said steps of transmitting said first and second blocks of data comprise sending data from a telematics communication unit of a vehicle. (col. 7, lines 33-47)

***Allowable Subject Matter***

Claims 13, 14, 16, 17, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 13, the concept of acquiring interfaces within a telematics system from a different entity for a period of time at a given cost was neither found, suggested, nor made evident by the prior art.

Regarding claims 16 and 19, the concept of making cost comparison determinations related to communications interface usage within a telematics system was neither found, suggested, nor made evident by the prior art.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gortz et al. discloses an interference device for transmitting information between input/output means and application units in a communication/information system.

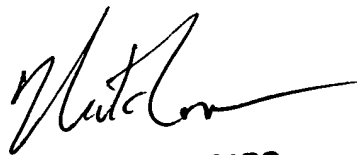
Stuempfle et al. discloses a distributed vehicle information processing system

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

December 11, 2004



**NICK CORSARO  
PRIMARY EXAMINER**